

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORGE LOGUE,)	
)	
Plaintiff,)	
v.)	C.A. No. 04-10271-GAO
THIRD DISTRICT COURT OF)	
NEW BEDFORD,)	
)	
Defendant.)	

MEMORANDUM AND ORDER ON MOTION TO AMEND (Docket No. 11)

Now before the Court is plaintiff's motion to amend seeking to file a second amended complaint. See Docket No. 11.

Plaintiff commenced this action on February 9, 2004, by filing a civil rights complaint accompanied by an application to proceed without prepayment of the filing fees. See Docket, generally. By Order dated September 7, 2004, plaintiff's application was granted and the complaint was returned for screening pursuant to 28 U.S.C. §§ 1915(e)(2). See Docket No. 5.

On March 8, 2004, plaintiff filed his first motion seeking to file an amended complaint. By Order dated September 29, 2004, plaintiff's motion was allowed. See Docket No. 6. By separate Memorandum and Order dated September 29, 2004, plaintiff was advised that this action is subject to dismissal pursuant to 28 U.S.C. § 1915(e)(2). See Docket Nos. 8, 9.

Although the Court's records indicate that plaintiff filed his second motion to amend on September 28, 2004, it was not entered on the docket until October 1, 2004. See Docket No. 11. Through the instant motion, plaintiff seeks to file a second amended complaint "with grammatical corrections and minor revisions." Id. Because plaintiff has already been granted leave to amend, and because the second amended complaint does not address the deficiencies noted in this Court's September 29, 2004 Memorandum, plaintiff's Motion to Amend is denied.

ORDER

Based upon the foregoing, it is hereby

ORDERED, plaintiff's Motion to Amend (Docket No. 11) is DENIED; and it is further

ORDERED, this action shall be dismissed pursuant to 28 U.S.C. § 1915(e)(2) without further notice unless plaintiff demonstrates good cause, in writing, by November 3, 2004, why this case should not be dismissed for the reasons stated in the Court's September 29, 2004 Memorandum.

SO ORDERED.

Dated at Boston, Massachusetts, this 29th day of October, 2004.

/s/ George A. O'Toole, Jr.
GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE